

REMARKS

Claim 15 has been amended so as to be dependant upon claim 14. This was originally an incorrect dependency.

Claim Objections

Claim 1 has been amended to read "the computer software code controls". Claim 7, line 3, has been altered to read "the destination terminal", as requested.

Claim Rejections - 35 USC § 102

Applicants submit that the person skilled in the art would not consider controlling the destination terminal using computer software code added to a signalling protocol message. This is because the nature of a signalling protocol message and an email message are very different. An email is a message composed at one terminal and generated at the recipient's terminal and is only responsible for conveying information from the originating terminal to the recipient's terminal. A signalling protocol message, on the other hand, is responsible for creating, modifying and terminating sessions with one or more participants. These sessions include Internet multimedia conferences, Internet telephone calls and multimedia distribution.

The signalling protocol defined for the transmission of emails is SMTP and, therefore, Applicants submit that, if there is any equivalence between the signalling protocol message and email (which is not admitted), one skilled in the art would consider an SMTP message and not an email message to be the equivalent of the signalling protocol message of the current invention. In view of the large difference in properties and functions of the two messages Applicants submit that the skilled person would not consider embedding computer software code within a signalling protocol message on reading Edwards.

Additionally, Edwards does not teach or even suggest "remotely controlling a destination terminal from an originating terminal". The sender of the email embeds the telephony applet within the email, therefore the Applicants consider the terminal of the email sender to be the originating terminal and the terminal of the email recipient to be the destination terminal.

The functionality of the applet is disclosed as being "offered to the recipient of the email message via one or more control buttons, whereby activation of the relevant button(s) causes the applet to form the requested telephone connection" (Column 3 lines 22-25). As the button has to be selected by the recipient in order for the applet to be activated and initiate a call, the sender's terminal cannot be said to control the recipient's terminal.

Furthermore, Applicants submit that it cannot be said that the applet disclosed in Edwards, once activated, controls the destination terminal, defined in the current invention as "an apparatus via which a user is able to receive communications from the communications network in order to be called by another party; for example, a telephone handset, a computer terminal or a mobile telephone handset" (P6 lines 11-14).

In Edwards, once the applet is selected "the call request is passed to the JTAPI client, which in turn passes the request onto the JTAPI server on the telephony server. This in turn processes the request by passing it onto CTI software on the telephony server, which sends an instruction to the PBX over CTI link to make the desired connection" (Column 5 lines 40-45).

Therefore, in Edwards, the only part of the network that the applet could be said to control is the PBX by instructing it to form a connection between the email recipient's terminal and another appropriate terminal specified in the applet. The PBX is, however, connected to multiple telephone and computer connections (see figure 1 and Column 4 lines 25-34) and acts to form connections between terminals, thereby allowing communication between those terminals. The skilled person, therefore, would not consider the PBX as part of a destination terminal. Hence, the person skilled in the art would only learn from Edwards to embed information in the form of a JAVA applet within an email such that when the applet is activated the PBX is instructed to connect two terminals. Applicants, therefore, submit that it would not be obvious to one skilled in the art to use the applet to control the destination terminal.

In fact, the entirety of the invention disclosed in Edwards is aimed at the "integration of computer email and telephony systems" (Column 1 lines 7-8). This is achieved by

placement of an applet within an email, to enable a telephone connection to be set up between the terminal receiving the email to a terminal specified within the applet.

On the other hand, the aim of the current system is to allow a caller to have more control over a call to a destination terminal. The addition of computer code to a signalling message enables a caller to alter the response of the destination terminal to take into account the caller. For example, if the call is urgent then the caller could specify that the computer software code is to "clear the destination terminal in order that it is able to accept an incoming call associated with the signalling protocol message" (Claim 6). This type of behavior is not taught or even suggested in Edwards.

It is for these reasons that Applicants submit Claim 1 is not anticipated by Edwards. Claim 2 is also submitted to not be anticipated at least by virtue of its dependency.

Claim 14 claims a destination terminal for use in a system executing the method of Claim 1. Therefore, Applicants submit that Claim 14 is not anticipated by Edwards for the reasons outlined above.

Claim Rejections 35 USC § 103

The Examiner rejects claims 3-10 as being unpatentable over Edwards and further in view of Schuster. However, Applicants submit that Schuster in combination with Edwards does not render the features of dependent claims 3-10 obvious. Schuster, as with Edwards, does not disclose use of computer software code to configure a destination terminal. Rather, what is disclosed is the use of a PID to configure a "voice communication device" allowing the user to be contacted at that device or make calls from the device (Column 8, lines 34-42).

Claim 11 recites that "said signalling protocol message is a session initiation protocol (SIP) message and ... said computer software code is selected from: Java byte code, Java applets and mobile automated software agents. Applicants note that the Examiner states that Donovan teaches SIP and the use of JAVA for an IP telephony system. However, the Applicants submit that Donovan actually discloses a conventional SIP REGISTER message having an extra field contained within it.

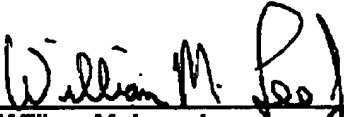
The extra field is used to provide the SIP server with information about the status of the destination terminal and is not disclosed as being computer software code. For example, lines 64-68 on column 4 give an example where the field entry tells "the SIP server to change the "dnd" feature status to "active". Thus the SIP server would know to send all incoming calls for Barney to Barney's voice mail box". The skilled person looking at Donovan would only learn to include extra fields within a SIP message to provide extra routing information to the SIP server. They would not learn to add computer software code to a SIP message nor to control a destination terminal using a SIP message.

Therefore, Applicants respectfully submit that Claim 11 would not have been obvious in view of Donovan over Edwards.

Given the above, further and favorable reconsideration of the application is urged.

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Respectfully submitted,


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